

REMARKS

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-30 are now pending in this application.

Restriction Requirement

The Restriction mailed on October 31, 2006 sets forth a requirement to elect one of claims 16-23 on the basis that these claims are directed to related products, citing MPEP § 806.05(j). Applicants respectfully submit that the restriction requirement is not proper because it follows U.S. restriction practice instead of following unity of invention practice. Prosecution of an international application in the national stage proceeds in the same manner as for a domestic application with the exceptions that: (A) the international filing date is the date to keep in mind when searching the prior art; and (B) unity of invention proceeds as under 37 C.F.R. § 1.475. See MPEP §§ 1893.03, 1893.03(d). This application is a national stage application of PCT/EP03/050143. Therefore, the Office should have determined if unity of invention was lacking, not if a restriction requirement could be made under U.S. practice. Applicants respectfully submit that an invention election is not required at this time because the restriction requirement is not proper. Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that unity of invention is not lacking for claims 16-23. Claims 17-23 depend upon claim 16 and therefore include the features of claim 16. Therefore, claims 16-23 share the special technical features of claim 16. Furthermore, claim 16 depends upon and includes the features of claim 1, which has been amended to overcome the prior art rejection set forth in the Office Action dated April 11, 2006. Therefore, the special technical features of claims 16-23 define a contribution over the prior art.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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